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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,715	06/17/2005	Ralf Neuhaus	2002P02867WOUS	2597

7590 03/17/2009
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

PHAN, MAN U

ART UNIT	PAPER NUMBER
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2419

MAIL DATE	DELIVERY MODE
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03/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 2419

Advisory Action

1. The affidavit, exhibit or request for reconsideration has been considered but does not place the application in condition for allowance because:

Applicant's arguments are not persuasive. It's the examiner's position that the reference is applied herein for the teaching of a novel method and system for distributed search engines in a peer to peer network communication system. Applicant's attention is directed to Figs. 2c-2d of Dutta et al. (2002/0073204) for the teaching of the search topology of nodes within a peer to peer network ([0007], [0036]-[0038]).

Applicant argument with respect to the rejected claim 10 that "*as stated in Applicant's specification at para. [0029], the first search message includes information that the communication component is searching for ther components which support the search method.*" (Remark – page 6, second paragraph). However, It is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices Inc.*, 7 USPQ2d 1064. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Examiner maintains that the references cited and applied in the last office actions for the rejection of the claims 10-28 are maintained in this office action. The final rejection mailed on December 31, 2008 is therefore maintained.

/Man Phan/

Primary Examiner, Art Unit 2419